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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,178

10/29/2003

Katerina Leftheris

QA0237 Div 1

6531

23914

7590

10/23/2006

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EXAMINER

PRYOR, ALTON NATHANIEL

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,178

Applicant(s)

LEFTHERIS ET AL.

Examiner

Alton N. Pryor

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

I. Rejection of claim 8 under 35 USC 112, 1st paragraph will be maintained in light of amendment filed 5/28/06 for reason on record and reason as follows. Claims 1-7 are added to this rejection. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for treating conditions associated with p38 kinase activity specified in claim 8, does not reasonably provide enablement for treating all other conditions associated with p38 kinase activity. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Undue experimentation would be required to determine which conditions associated with p38 kinase activity can be treated with instant compounds / compositions.

II. Rejection of claims 1-11 under 35 USC 103(a) as being obvious over Hunt et al will not be maintained in light of amendment filed 5/28/06 for reason on record and reason as follows. Applicant has delete X = CO₂ from the claims.

III. New Rejection

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al (US 6982265; 1/3/06). Hunt teaches the pyrrolotriazine where Y is absent; R1

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= H; X = -NR₁₁C=O-; R₂, R₃ = Me; ZR₅ = NH; R₄ = substituted phenyl; R₁₃ = alkyl and R₁₁ = H or alkyl. Hunt's pyrrolotriazine compound is equivalent to instant compound where R₁ = H; X = -NR₁₀C=O-; R₁₀ = H or alkyl; ZR₅ = NH; and R₄ = substituted phenyl. Hunt teaches that pyrrolotriazine compounds of his invention can be used in methods of treating cancer, psoriasis, arthritis, inflammation, autoimmune disease, and diabetic retinopathy. See column 6 line – column 7 line 10. These are conditions associated with p38 kinase activity as indicated in instant claims 7-8. Hunt does not exemplify methods of treating said conditions with his compound described above. However, it would have been obvious to one having ordinary skill in the art to have employed the compound described in methods of treating said conditions. One would have been motivated to do this since Hunt states that his invention is based on the discovery that certain pyrrolotriazines are inhibitors of protein kinases. See column 6 lines 44-45.

With respect to claims 5 and 6, Hunt suggests the method of using compounds where X-R₂ = N-R₁₁CO-alkyl or -C(=O)NR₁₉; Y = absent; R₃ = substituted alkyl; R₅, R₁ = H; R₆ = H, alkyl; Z = N; R₄ = sulfonamide substituted aryl. This compound is the instant compound where X-R₂ = N-R₁₀CO-alkyl or -C(=O)NR₁₀ (R_{2a}, R₁₀ = H); R₃ = Me or trifluoro methyl; R₁, R₅ = H; R₆ = H, alkyl; Y = SO₂NH (sulfonamide). Hunt does not exemplify a method of treating said conditions using this compound. However, it would have been obvious to one having ordinary skill in the art to have employed the compound in methods of treating said conditions. One would have been motivated to do

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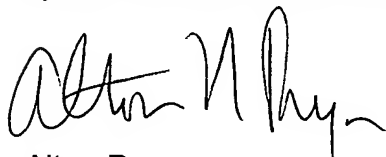
this since Hunt states that his invention is based on the discovery that certain pyrrolotriazines are inhibitors of protein kinases. See column 6 lines 44-45.

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 571-272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alton Pryor
Primary Examiner
AU 1616